

30386. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44683. Sample No. 11966-D.)

Samples of this product were found to be defective in that they contained holes.

On December 27, 1938, the United States attorney for the District of Puerto Rico filed in the district court a libel praying seizure and condemnation of 15 gross of prophylactics at San Juan, P. R.; alleging that the article had been shipped in interstate commerce on or about June 11, 1938, by Universal Merchandise Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Carton) "The reliable prophylactic * * * Guaranteed five years * * * to prevent disease."

On February 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30387. Adulteration and misbranding of Han-D-Swab. U. S. v. 66 Packages of Han-D-Swab. Default decree of condemnation and destruction. (F. & D. No. 44872. Sample No. 34449-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On February 18, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 packages of Han-D-Swab at Baltimore, Md.; alleging that the article had been shipped on or about December 7, 1938, and January 13, 1939, by Eagle Druggists Supply Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Sanitary" and "Mothers should sterilize nipples with Han-D-Swab before each nursing," since it would not sterilize them because it was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements on the wrapper, "Han-D-Swab * * * Sanitary * * * Mothers should sterilize nipples with Han-D-Swabs before each nursing * * * approved, recommended and used by doctors and nurses as a first aid application for all emergencies * * * Han-D-Swabs are Sanitary," and "Binky's Baby Accessories are approved and used by hospitals, physicians and mothers * * * Play Safe," were false and misleading when applied to an article that was contaminated with viable micro-organisms.

On March 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30388. Adulteration and misbranding of quinine sulfate pills. U. S. v. 576 Bottles of Quinine Sulfate Pills. Default decree of condemnation and destruction. (F. & D. No. 44012. Sample No. 26910-D.)

These pills were represented to contain 2 grains of quinine sulfate each, but contained not more than 1.67 grains of quinine sulfate each.

On October 4, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 576 bottles of quinine sulfate pills at Albany, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 26 and August 15, 1938, by McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, (bottle) "Pills * * * 2 Grain Quinine Sulphate," and (shipping carton) "Quinine Sulphate Pills 2 Gr.," since it did not contain 2 grains of quinine sulfate per pill but did contain a less amount.